

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

GLENFORD S. AKEY

VS.

CASE NUMBER: 5:08-CV-1084 (NAM/VEB)

MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge Victor E. Bianchini is ADOPTED in its entirety, Plaintiff's Complaint is dismissed. Pursuant to Local Rule 72.3, the parties are advised that the referral to a Magistrate Judge has been RESCINDED, as such, any appeal taken from this Order will be to the Court of Appeals for the Second Circuit.

All of the above pursuant to the order of the Honorable Judge Norman A. Mordue, dated the 31st day of March, 2011.

DATED: March 31, 2011


Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk